

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

STANLEY PACKAGE EXPRESS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:11-CV-35
)	(VARLAN/SHIRLEY)
FEDEX GROUND PACKAGE)	
SYSTEMS, INC.,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Report and Recommendation (the “R&R”) entered by U.S. Magistrate Judge C. Clifford Shirley on October 20, 2011 [Doc. 12]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 12] and **DENIES as moot** defendant’s Motion to Dismiss for Failure to Prosecute and/or Motion to Disqualify and Order Substitution of Counsel [Doc. 6], to the extent defendant has requested that plaintiff

be required to substitute counsel, and **DENIES** the same to the extent it requests dismissal of this action and taxation of costs.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE